

## Message Text

CONFIDENTIAL

PAGE 01 BRASIL 01394 01 OF 02 171636Z

53

ACTION IO-11

INFO OCT-01 ARA-06 EUR-12 ISO-00 IOE-00 SS-15 NSC-05 SSO-00

NSCE-00 ACDE-00 INRE-00 ACDA-05 CIAE-00 INR-07 L-03

NSAE-00 EB-07 NRC-05 OES-03 FEAE-00 DODE-00 /080 W

----- 118274

O R 171600Z FEB 76

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC IMMEDIATE 3986

INFO USMISSION IAEA VIENNA

AMEMBASSY BONN

AMEMBASSY BERLIN UNN

USMISSION BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMCONSUL RIO DE JANEIRO

AMCONSUL SAO PAULO

USERDA GERMANTOWN

C O N F I D E N T I A L SECTION 1 OF 2 BRASILIA 1394

RIO FOR EMBASSY SCIENCE ATTACHE

E. O. 11652: GDS

TAGS: IAEA, TECH, PARM, UR, BR, GW, WB, PFOR, AORG, OCON

SUBJECT: FRG/IAEA/BRAZIL TRILATERAL SAFEGUARDS AGREEMENT

REF: IAEA VIENNA 1168

1. SUMMARY. BRAZIL REQUESTS US SUPPORT FOR IAEA BOARD REVIEW AND APPROVAL OF FRG-IAEA-BRAZIL TRI-LATERAL SAFEGUARDS AGREEMENT. SOVIET CONCERNS, IN GOB'S VIEW, ARE UNFOUNDED, AND AGREEMENT, IN EVERY RESPECT, CONFORMS TO CURRENT IAEA POLICY. BRAZIL IS CONTACTING OTHER BOARD MEMBERS TO REQUEST THEIR SUPPORT. EMBASSY REQUESTS GUIDANCE ON HOW TO RESPOND TO BRAZILIAN APPROACH. END SUMMARY.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BRASIL 01394 01 OF 02 171636Z

2. DURING CALL BY ECON COUNSELOR, FEBRUARY 16, AMBASSADOR PAULO CABRAL DE MELLO, CHIEF OF FOREIGN MINISTRY'S ECONOMIC DEPARTMENT, REQUESTED US SUPPORT FOR IAEA BOARD REVIEW AND APPROVAL OF FRG-BRAZIL IAEA TRILATERAL AGREEMENT ON SAFEGUARDS SCHEDULED FOR FEBRUARY 24.

3. CABRAL DE MELLO (WHO WAS GOB'S CHIEF NEGOTIATOR OF THE AGREEMENT IN VIENNA) SAID GOB WAS CONCERNED BY WHAT HE UNDERSTOOD WAS APPARENT SOVIET MOVE TO REQUEST POSTPONEMENT OF BOARD REVIEW. GOB HAD NOT BEEN OFFICIALLY INFORMED OF THIS, BUT HAD BEEN ADVISED INFORMALLY BY IAEA DIRECTOR GENERAL AND USREP THAT THE SOVIETS WOULD PREFER TO TRANSFER THIS AGENDA ITEM TO ANOTHER SUBSEQUENT BOARD MEETING. HE SAID HE WAS NOT ENTIRELY CONCERNED ABOUT THE STATUS OF THE SOVIET EFFORT: WHETHER THE SOVIET REP HAD FORMALLY REQUESTED DEFERRAL OR WAS SEEKING DEFERRAL INFORMALLY OR WHETHER HIS OBSERVATIONS WERE OFFERED AS A COMMENTARY RATHER THAN A DEFINITIVE SOVIET POSITION.

4. CABRAL DE MELLO SAID BRAZIL DOES NOT LIKE THIS SOVIET MANEUVER AND RESENTS THE SUGGESTION OF FURTHER DELAY. FROM THE BRAZILIAN STANDPOINT, APPROVAL OF THE AGREEMENT HAD SOME URGENCY SO THAT IMPLEMENTATION OF THE FRG-BRAZILIAN ACCORD COULD FINALLY PROCEED. IT IS GOB'S UNDERSTANDING THAT THE AGREEMENT FULLY, AND IN EVERY RESPECT, CONFORMS TO CURRENT IAEA POLICY. THE AGREEMENT HAD BEEN COMPLETED FOUR WEEKS IN ADVANCE OF THE BOARD MEETING AND, AS FAR AS HE KNOWS, HAD BEEN DISTRIBUTED ON TIME. AS OF FEBRUARY 15, THERE HAD BEEN NO OBJECTION OR DIFFICULTY FROM ANY OTHER COUNTRY. THE US APPEARED TO BE FULLY SATISFIED WITH THE PROPOSED TEXT.

5. CABRAL DE MELLO SEEMED TO THINK THAT SOVIET PRE-OCCUPATION WAS PRIMARILY WITH THE BERLIN CLAUSE BUT IN FURTHER EXPOSITION OF THE MAJOR POINTS OF THE AGREEMENT ADDRESSED MOST OF THE ISSUES RAISED BY THE SOVIET REP IN VIENNA (REFTEL).

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BRASIL 01394 01 OF 02 171636Z

(A) BERLIN CLAUSE. CABRAL DE MELLO NOTED THAT THE WORDS QUOTE BERLIN (WEST) UNQUOTE HAD BEEN SUBSTITUTED FOR QUOTE LAND BERLIN UNQUOTE TO MEET THE JURIDICAL PROBLEM OF WEST BERLIN'S STATUS. MOREOVER, UNDER ARTICLE 26 THE FRG WOULD HAVE THREE MONTHS FROM THE DATE OF ENTRY INTO FORCE OF THE AGREEMENT IN WHICH IT COULD DECLARE THE NON-APPLICABILITY OF THE AGREEMENT

TO WEST BERLIN. BRAZIL HOPED THAT THIS HAD REMOVED  
THE BERLIN PROBLEM AS AN OBSTACLE TO APPROVAL OF THE  
AGREEMENT.

(B) COVERAGE OF NUCLEAR EQUIPMENT AND FACILITIES.  
CABRAL DE MELLO SAID OMISSION OF A REFERENCE TO  
EQUIPMENT IN THE PREAMBLE HAD BEEN FULLY DISCUSSED  
WITH THE AGENCY. IT WAS CONSONANT WITH THE AGENCY'S  
CURRENT CONCEPT AND PRACTICE, WHICH CONSIDERS THAT  
SAFEGUARDS APPLY TO NUCLEAR MATERIALS RATHER THAN  
TO FACILITIES PER SE, A POINT SPECIFICALLY COVERED  
IN THE DIRECTOR GENERAL'S MEMORANDUM. IN ANY CASE,  
NUCLEAR FACILITIES WERE EXPLICITLY COVERED BY THE  
SECOND SENTENCE OF ARTICLE 4. THE AGENCY HAD BEEN  
FULLY SATISFIED WITH THE MANNER THE AGREEMENT TREATS  
THIS SUBJECT.

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 BRASIL 01394 02 OF 02 171619Z

53

ACTION IO-11

INFO OCT-01 ARA-06 EUR-12 ISO-00 IOE-00 SS-15 NSC-05 SSO-00

NSCE-00 ACDE-00 INRE-00 ACDA-05 CIAE-00 INR-07 L-03

NSAE-00 EB-07 NRC-05 OES-03 FEAE-00 DODE-00 /080 W

----- 118066

O R 171600Z FEB 76

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC IMMEDIATE 3987

INFO USMISSION IAEA VIENNA

AMEMBASSY BONN

AMEMBASSY BERLIN UNN

USMISSION BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMCONSUL RIO DE JANEIRO

AMCONSUL SAO PAULO

USERDA GERMANTOWN

C O N F I D E N T I A L SECTION 2 OF 2 BRASILIA 1394

RIO FOR EMBASSY SCIENCE ATTACHE

(C) URANIUM ENRICHMENT FACILITIES, CABRAL DE MELLO NOTED THAT THE AGENCY DOES NOT YET HAVE SAFEGUARDS REGULATIONS COVERING URANIUM ENRICHMENT FACILITIES BUT ONCE THEY ARE APPROVED BY THE BOARD, THEY WOULD BECOME PART OF THE SAFEGUARDS DOCUMENT. UNDER ARTICLE 25, THIRD SENTENCE, BRAZIL WOULD BE SPECIFICALLY BOUND BY SUCH AN ADDITION TO THE DOCUMENT APPROVED BY THE BOARDZM

(D) TWENTY YEAR PERIOD. CABRAL DE MELLO SAID HE UNDERSTOOD THE SOVIET REP HAD ALSO OBJECTED TO THE TWENTY YEAR PERIOD IN ARTICLE 3/2 COMMENCING FROM THE TIME OF TRANSFER OF THE RELEVANT TECHNOLOGICAL INFORMATION RATHER THAN THE COMPLETION OF THE FACILITY. HE THOUGHT THIS A HIGHLY ACADEMIC POINT BECAUSE TWENTY CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BRASIL 01394 02 OF 02 171619Z

YEARS LATER THE SPECIFIC INFORMATION SO TRANSFERRED UNDER THE FRG-GOB ACCORD WOULD HAVE BEEN SUPERSEDED AND BRAZIL WOULD NOT BE BUILDING ADDITIONAL FACILITIES USING THAT SAME TECHNICAL INFORMATION. THE CENTRAL POINT OF ARTICLE 3, PARAGRAPH 2, APPEARED TO BE LOST SIGHT OF: I.E., THAT ANY FACILITY WHATSOEVER, BASED ON THE SAME OR ESSENTIALLY THE SAME PHYSICAL OR CHEMICAL PROCESSES, WAS PRESUMED TO BE BASED ON THE TRANSFERRED TECHNOLOGICAL INFORMATION AND THUS WAS COVERED UNDER THE AGREEMENT. THIS FORMULATION WAS INTENDED TO AVOID DISPUTES, I.E., THE NEED OF PROOF AND COUNTERPROOF. TAKEN TOGETHER WITH ARTICLE 2.2, AND ARTICLE 28.2, BRAZIL CONSIDERED THAT THIS PARAGRAPH REPRESENTED A VERY STRONG COMMITMENT.

6. IN CONCLUSION, CABRAL DE MELLO SAID GOB WAS ALSO APPROACHING ALL THE OTHER BOARD MEMBERS, THROUGH ITS EMBASSIES, TO ASK FOR THEIR SUPPORT. NOTING THE CLOSE AND CONSTRUCTIVE LIAISON WHICH EXISTED WITH THE US DELEGATION IN VIENNA, HE EXPRESSED THE HOPE THAT THE USG WOULD BE ABLE TO SUPPORT BRAZIL IN THIS MATTER. THE COUNSELOR SAID THE EMBASSY WOULD BE REPORTING GOB'S REQUEST PROMPTLY TO WASHINGTON AND HOPED TO BE ABLE TO GIVE WASHINGTON'S REACTION AS SOON AS POSSIBLE.

7. ACTION REQUESTED: EMBASSY REQUESTS SOONEST DEPARTMENT'S GUIDANCE ON HOW TO RESPOND TO GOB APPROACH. IF US RESPONSE SHOULD BE NEGATIVE, WE WOULD APPRECIATE FULL EXPLANATION OF US REASONING SINCE GOB BELIEVES THAT US CONCERNS HAVE BEEN FULLY MET BY DRAFT AGREEMENT IN ITS PRESENT FORM, AND, ON BASIS

OF WHAT BRAZILIAN REP HAS BEEN TOLD IN VIENNA, IS UNDER  
IMPRESSION THAT US IS IN FAVOR OF THE AGREEMENT.  
CRIMMINS

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AGREEMENTS, NUCLEAR SAFEGUARDS, NEGOTIATIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 17 FEB 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** GolinoFR  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976BRASIL01394  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D760059-0177  
**From:** BRASILIA  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1976/newtext/t19760245/aaaabmte.tel  
**Line Count:** 226  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION IO  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 5  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 76 IAEA VIENNA 1168  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** GolinoFR  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 29 MAR 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <29 MAR 2004 by CollinP0>; APPROVED <30 MAR 2004 by GolinoFR>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** FRG/IAEA/BRAZIL TRILATERAL SAFEGUARDS AGREEMENT  
**TAGS:** TECH, PARM, PFOR, AORG, OCON, UR, BR, GE, WB, IAEA  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006